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Das Internationale Landkriegsrecht. By Dr. Karl Strupp. Frankfurt am Main: Verlag von Joseph Baer & Co., 1914. pp. xii, 252.

It appears from the publisher's notice accompanying this work that for some years the author has been engaged in the task of preparing a several volume commentary on the rules of land warfare—a much needed guide hitherto lacking in Germany. The outbreak of the great European War has convinced him of the desirability of publishing at once in condensed form the results of his investigations.

The reviewer has been particularly interested in the author's opinions on the crucial problem of military necessity. Dr. Strupp does not take the usual military viewpoint that the rules of warfare are, in general, subordinate to military necessity. Indeed, he does not hesitate to take issue with the view of the General Staff as set forth in that remarkable publication entitled, *Kriegsgebrauch im Landkriege*, to the effect that the Hague Regulations are not to be regarded as legally binding.

Our author maintains, on the contrary, that the Hague Rules would have the character of positive law even if their binding force were limited to the instances where they were not set aside by military necessity. This may be sound in logic, but what, it may be asked, would be the practical use of regulations which might be set aside by any bel-ligerent on pretext of necessity?

The following classification of the various kinds of military necessity based on the views of Max Huber is particularly interesting:

(1) *State necessity*, which is not, properly speaking, a part of military law. "There is no case conceivable in which a rule of the law of warfare could possibly endanger the vital interests or existence of a state" (p. 5). Yet in another connection (pp. 133–34) the author excuses the violation of Belgian neutrality on this ground of State necessity. Without producing a particle of evidence, this distinguished German scholar says: "The German Empire was justified in demanding of Belgium permission to march through the western portions of her territory against France, after it was established that the latter country had planned an invasion of German territory through Belgium." Has it come to this in Germany that mere assertion resulting from the "will to believe" has usurped the place of evidence in dealing with questions of this kind? Not the least of the evils of this war appears to be its benumbing and paralyzing effect upon the German intellect and the consequent moral bankruptcy of German scholarship.

(2) *War necessity*, i. e., the military necessity which has reference to the general ends of warfare, such as a campaign, the siege of a city, devastation, etc. Such necessity was recognized and amply provided for in the Hague Rules.

(3) *Military necessity* with reference to particular military operations, such as ruses of warfare, the capture or destruction of property, the treatment of prisoners of war, etc. This form of necessity is only applicable in the few instances where there is an express reservation, as in case of the Hague Rules, Art. 23g.

(4) *Necessity proper (Notstand)*, or the extreme need of self-preservation, as, for example, the killing of prisoners because of a lack of provisions. Doctor Strupp appears to believe that it is even justifiable under certain circumstances to allow prisoners to starve in the course of military operations (p. 7). If this or similar doctrines are generally held in Germany, the possibilities of the future are too fearful to contemplate.

Because of lack of time and space we cannot follow the author's views in detail. Suffice it to say that he treats his subject in scholarly fashion, cites good authorities, and furnishes each article of the Hague and Geneva Regulations with an appropriate commentary. There is little to criticise adversely, except in the few instances where he permits himself to refer to events connected with the invasion of Belgium. Thus, his discussion of reprisals (pp. 31-36) is very fair and satisfactory. He even condemns preventive reprisals or "acts of frightfulness" which have as their object the spreading of terror, though he does not refer to Belgium in this connection. But in a note on page 9 he cannot resist the temptation of recording his conviction (again without evidence) that the blame for the destruction of Louvain lies wholly at the door of its deluded inhabitants, thus adding insult to injury.

However, it should be said in justice to Dr. Strupp that had the German military authorities known and followed the teachings contained in his manual, they would not now stand discredited and anathematized by almost the entire civilized world.

The book is provided with an index, a list of authorities, numerous select bibliographies, and an appendix containing Dr. Lieber's "Instructions for the Government of the Armies of the United States in the Field," the "Laws of Warfare on Land," published by the Institute on International Law in 1880, and the French texts of the Hague Regulations of 1899 and 1907.

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